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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,660	09/08/2003	Klaus-Hinrich Borchers	4568	1986
21553	7590	03/24/2006	EXAMINER	
FASSE PATENT ATTORNEYS, P.A.			LE, TAN	
P.O. BOX 726			ART UNIT	
HAMPDEN, ME 04444-0726			PAPER NUMBER	
			3632	
DATE MAILED: 03/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/658,660	BORCHERS, KLAUS-HINRICH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tan Le	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) 26,27 and 29-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-25 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This is the third office action for application serial number 10/10/658,660. This application contains claims 22-41. Claims 1-21 have been canceled by the amendment filed 12/30/05.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/30/05 has been entered.
3. Currently claims 22-25 and 28 are readable the elected species of Figures 2-3 as elected by Applicant on 10/28/04. Note that Applicant submitted new claims 22-41 and elected claims 22-28 is acknowledged. However claims 26-27 are not readable to the elected species. Claims 26-27 are readable to the species of Figure 5. Accordingly, Claims 26-27 and 29-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claims 22-25 and 28 will examine as follows:

### ***Suggestions:***

4. Claim 22, line 12, "said first and second contours" should be changed to – said facing first and second opposite contours --; "said second contours" should be changed

to –said second opposite contours--; “said respective first contour” (lines 17-1) should be changed to –respective facing first contour--; claim 24 (line 9, “said first contour” should be changed to – said facing first contour--; and claim 25 (line 25) “said first contour” should also be changed to – said facing first contour—in order to be more clearer and consistent. Note: Other claims such as claims 26-27 and 29-41 may also be changed accordingly but since these claims are “withdrawn”, the examiner is therefore not suggested or discussed at this time.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 1,821,234 to Parker in view of US Publication US 2001/0019092 to Koziol

As to claim 22, Parker teaches a multiple conduit spacer comprising a plurality of guard hose arrangements, each of said guard hose arrangement comprising a plurality of guard hoses (10), each guard hose having an inner diameter and capable of receiving at least one of said insulated electrical conductors, each guard hose comprising an outwardly facing first contour, said guard hose arrangement further comprising at least one spacer (12) positioned between two neighboring guard hoses of

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said plurality of guard hoses, said at least one spacer having two second opposite contours (11), said facing first and second opposite contours forming matching junctions directly between said at least one spacer and said two neighboring guard hoses thereby spacing said plurality of guard hoses from one another, wherein each of said second opposite contours contacts a circumferential portion less than 180- degree of a respective first contour to thereby partly encircle said respective facing first contour.

Parker teaches substantially as claimed except for guard hose being made of a flexible synthetic material and the guard hose being installed on the aircraft for protecting insulated electrical conductors.

Koziol teaches a cable holder or guard hose (3, 15a) for attaching cable or conductors (15b) in the aircraft wherein the cable holder being made of a flexible material in order to be lighter in weight.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have installed the multiple conduit holder or cable holder of Parker in the aircraft with the flexible material as taught in Koziol for securing the cable to the aircraft as well as to reduce the weight structures suitable for use in an aircraft.

As to claim 23, Parker in view of Koziol also teaches a first number of guard hoses, and a second number of spacers arranged between and directly connected at said junctions to two neighboring guard hoses, and wherein each of said spacers is positioned along a straight length of neighboring guard hoses.

As to claim 24, Parker in view of Koziol also teaches at least one spacer (12) having first and second surfaces opposite each other, said first and second surfaces

forming a first pair of surfaces (top and bottom of 12), said at least one spacer further comprising third and fourth surfaces also opposite each other and forming a second pair of surfaces, each surface of at least one pair of said first and second pairs of surfaces having one of said two second opposite contours (11) matching a circumferential portion of said outwardly facing first contour of a respective guard hose (10).

As to claim 25, wherein said facing first contour is convex and wherein said two second opposite contours are concave.

As to claim 28, Parker in view of Koziol also considers teaching the matching junctions formed directly between said at least one spacer and said two neighboring guard hoses, comprise any one of an adhesive bonding such as the bonding of the concrete between the individual conduits or the use of strap (21) to hold all the conduits together tightly and considers as one piece unitary junction.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 22-25 and 28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,743,976 to Motzigkeit

US 2005/0211463 to Zeuner et al.

Motzigkeit and Zeuner et al. teach a variety of cable holders for aircraft.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tan Le', is positioned above the printed name and date.

Tan Le  
Patent examiner  
March 17, 2006